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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,477	09/29/2004	Hendrik Roelof Stapert	NL 020267	8077

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

YI, STELLA KIM

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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06/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/509,477	Applicant(s) STAPERT ET AL.	
	Examiner Stella Yi	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/29/2004, 08/24/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species A for Component Z where R=CH₃, Species B for Component Y, and Species A for Component X where R=H, R'=alkyl, n=0, m=0 in the reply filed on January 28, 2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

2. Claim 18 is objected to because of the following informalities: Claim 18 recites: "layer of thickness made of said material can be as large as 50." There is no specified unit of measurement for "50". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to what the polymerisable groups are for Z and Y to independently represent. It is also unclear as to whether or not the X component group is one of the choices among the polymerisable groups or if it is a separate species from Z and Y components.

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

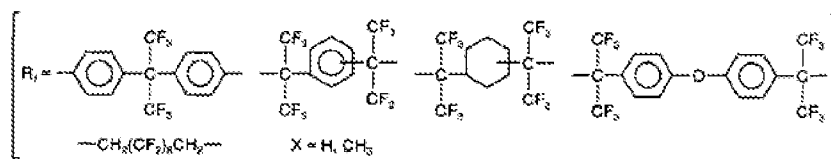
6. Claims 1, 2, 5, 6, 7, 8, 11, 12, 13, 14, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over BLANDIN (4,311,654) and in further view of MARUNO ("Synthesis and Properties of Fluorine-Containing Epoxy(meth)acrylate Resins" by Journal of Polymer Science).

Regarding Claims 1, 2, 6, 7, 8, 12, 13, and 14, BLANDIN discloses a method of moulding materials in which a mould is used having a plurality of mould components with moulding surfaces together defining a moulding cavity, said method comprising the steps of forming at least part of the mould components of a fusible material (polymerizable material) (Col.6, lines 53-58). BLANDIN discloses that this mould is used for making ophthalmic lenses (optical components) (Col.1, lines 6-7). BLANDIN discloses applying heat treatment to said moulding material in the mould to set or cure the moulding material, continuing the heat treatment until sufficient stiffness has developed in the moulded article and removing the moulded article thus made from the mould (Col.8, lines 1-20). BLANDIN does not explicitly disclose the starting material before polymerization to be a polymerizable compound of instant claim 1. However, MARUNO discloses synthesis and properties of fluorine-containing epoxy-acrylate resins and epoxymethacrylate resins that are highly transparent optical adhesives for

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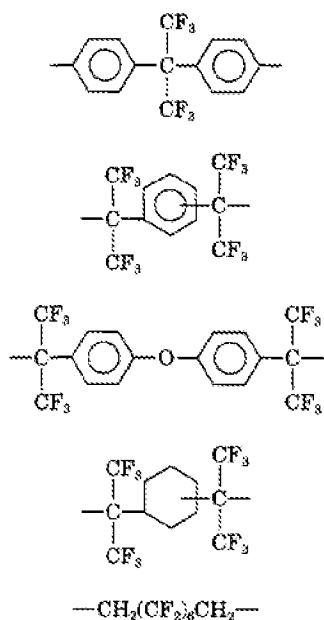
making optical communication devices with good photocurability (Page 3211). The synthesis is disclosed in Scheme 1/Path A wherein the polymerizable compound of the formula is illustrated (Page 3212). It would have been obvious to one of ordinary skill in the art to have substituted the said polymerizable compound of MARUNO for the fusible material of BLANDIN to achieve the predictable results of molding optical components with effective photocurability.

Regarding Claims 5, 11, and 17, modified BLANDIN by MARUNO discloses that the F/C ratio is higher than 8/14 as illustrated in Scheme 1 (Page 3212):



Scheme 1.

and Table I (Page 3213):



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starting material for optical components taught by NAKAKIMURA et al. to achieve the predictable results of molding optical components with effective photocurability by BLANDIN's method and mold.

8. Claims 4, 9, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over BLANDIN (4,311,654) and MARUNO ("Synthesis and Properties of Fluorine-Containing Epoxy(meth)acrylate Resins" by Journal of Polymer Science) as applied to claims 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, and 18 above, and in further view of TAKAHASHI ("Improvement of Photo Cured Composite Resin Using Low Viscosity Monomer Substituted by Fluorine" by Journal of the Japanese Society for Dental Materials and Devices).

The teachings of BLANDIN and MARUNO are applied as described above for claims 1, 2, 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, and 18.

Regarding Claims 4, 9, and 15, modified BLANDIN does not explicitly disclose the starting material as 2,2,3,3,4,4,5,5-octafluoro 1,6-hexanediol-dimethacrylate. However, TAKAHASHI discloses a photocurable fluorinated monomer FHDDMA (2,2,3,3,4,4,5,5-octafluoro 1,6-hexanediol-dimethacrylate) (Abstract). It would have been obvious to one of ordinary skill in the art to have incorporated the photocurable polymerizable monomer of TAKAHASHI for the fusible material of modified BLANDIN to achieve the predictable results of molding optical components with effective photocurability and polymerization by BLANDIN's method and mold.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Yi whose telephone number is 571-270-5123. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Christina Johnson/

Supervisory Patent Examiner, Art Unit 1791